

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 139, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, between lines 25 and 26, begin a new paragraph and insert:
- 2 "SECTION 3. IC 12-17.2-4-5 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The following
- 4 constitute sufficient grounds for a denial of a license application:
- 5 (1) A determination by the ~~division~~ **department of child services**
- 6 **established by IC 31-33-1.5-2** of child abuse or neglect (as
- 7 defined in IC 31-9-2-14) by the applicant **or by an employee or**
- 8 **volunteer of the applicant.**
- 9 (2) A criminal conviction of the applicant, or of an employee or
- 10 a volunteer of the applicant, of any of the following:
- 11 (A) A felony.
- 12 (B) A misdemeanor related to the health or safety of a child.
- 13 (C) A misdemeanor for operating a child care center without
- 14 a license under section 35 of this chapter.
- 15 (D) A misdemeanor for operating a child care home without a
- 16 license under IC 12-17.2-5-35.
- 17 (3) A determination by the division that the applicant made false
- 18 statements in the applicant's application for licensure.
- 19 (4) A determination by the division that the applicant made false
- 20 statements in the records required by the division.
- 21 (5) A determination by the division that the applicant previously

- 1 operated a:
- 2 (A) child care center without a license under this chapter; or
- 3 (B) child care home without a license under IC 12-17.2-5.
- 4 (b) Notwithstanding subsection (a)(2), if:
- 5 (1) a license application is denied due to a criminal conviction of
- 6 an employee or a volunteer of the applicant; and
- 7 (2) the division determines that the employee or volunteer has
- 8 been dismissed by the applicant;
- 9 the criminal conviction of the former employee or former volunteer
- 10 does not require denial of a license application.

11 SECTION 4. IC 12-17.2-4-32 IS AMENDED TO READ AS

12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following

13 constitute sufficient grounds for revocation of a license:

- 14 (1) A determination by the ~~division~~ **department of child services**
- 15 of child abuse or neglect (as defined in IC 31-9-2-14) by the
- 16 licensee **or by an employee or volunteer of the licensee.**
- 17 (2) A criminal conviction of the licensee, or of an employee or a
- 18 volunteer of the licensee, of any of the following:
- 19 (A) A felony.
- 20 (B) A misdemeanor related to the health or safety of a child.
- 21 (C) A misdemeanor for operating a child care center without
- 22 a license under section 35 of this chapter.
- 23 (D) A misdemeanor for operating a child care home without a
- 24 license under IC 12-17.2-5-35.
- 25 (3) A determination by the division that the licensee made false
- 26 statements in the licensee's application for licensure.
- 27 (4) A determination by the division that the licensee made false
- 28 statements in the records required by the division.
- 29 (5) A determination by the division that the licensee previously
- 30 operated a:
- 31 (A) child care center without a license under this chapter; or
- 32 (B) child care home without a license under IC 12-17.2-5.
- 33 (b) Notwithstanding subsection (a)(2), if:
- 34 (1) a license is revoked due to a criminal conviction of an
- 35 employee or a volunteer of the licensee; and
- 36 (2) the division determines that the employee or volunteer has
- 37 been dismissed by the licensee;
- 38 the criminal conviction of the former employee or former volunteer

1 does not require revocation of a license.

2 SECTION 5. IC 12-17.2-4-36 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2006]: **Sec. 36. (a) The department of child**
5 **services shall conduct an investigation of a claim of abuse or neglect**
6 **in a child care center.**

7 **(b) After an investigation under subsection (a), the department**
8 **of child services shall make a determination of whether or not**
9 **abuse or neglect occurred at the child care center.**

10 **(c) If the department of child services makes a determination,**
11 **under IC 31-33-8-12, that abuse or neglect at the child care center**
12 **is substantiated, the department shall send a copy of its report to**
13 **the appropriate licensing office of the division.**

14 SECTION 6. IC 12-17.2-5-4 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following
16 constitute sufficient grounds for a denial of a license application:

17 (1) A determination by the ~~division~~ **department of child services**
18 **established by IC 31-33-1.5-2** of child abuse or neglect (as
19 defined in IC 31-9-2-14) by the applicant **or by an employee or**
20 **volunteer of the applicant.**

21 (2) A criminal conviction of the applicant, of an employee or a
22 volunteer of the applicant, or of a member of the applicant's
23 household, of any of the following:

24 (A) A felony.

25 (B) A misdemeanor related to the health or safety of a child.

26 (C) A misdemeanor for operating a child care center without
27 a license under IC 12-17.2-4-35.

28 (D) A misdemeanor for operating a child care home without a
29 license under section 35 of this chapter.

30 (3) A determination by the division that the applicant made false
31 statements in the applicant's application for licensure.

32 (4) A determination by the division that the applicant made false
33 statements in the records required by the division.

34 (5) A determination by the division that the applicant previously
35 operated a:

36 (A) child care center without a license under IC 12-17.2-4; or

37 (B) child care home without a license under this chapter.

38 (b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 7. IC 12-17.2-5-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee **or by an employee or volunteer of the licensee.**

(2) A criminal conviction of the licensee, of an employee or a volunteer of the licensee, or of a member of the licensee's household, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

(B) a resident of the licensee's household; and

(2) the division determines that the:

1 (A) employee or volunteer has been dismissed by the licensee;
 2 or

3 (B) member of the licensee's household is no longer a member
 4 of the licensee's household;

5 the criminal conviction of the former employee, former volunteer, or
 6 former member does not require revocation of a license.

7 SECTION 8. IC 12-17.2-5-37 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2006]: **Sec. 37. (a) The department of child**
 10 **services shall conduct an investigation of a claim of abuse or neglect**
 11 **at a child care home.**

12 **(b) After an investigation under subsection (a), the department**
 13 **of child services shall make a determination of whether or not**
 14 **abuse or neglect occurred at the child care home.**

15 **(c) If the department of child services makes a determination,**
 16 **under IC 31-33-8-12, that abuse or neglect at the child care home**
 17 **is substantiated, the department shall send a copy of its report to**
 18 **the appropriate licensing office at the division."**

19 Page 11, between lines 16 and 17, begin a new paragraph and insert:

20 "SECTION 10. IC 31-9-2-135 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2006]: **Sec. 135. (a) "Wardship", for**
 23 **purposes of the juvenile law, means the responsibility for**
 24 **temporary care and custody of a child by transferring the rights**
 25 **and obligations from the child's parent, guardian, or custodian to**
 26 **the person granted wardship. Except to the extent a right or an**
 27 **obligation is specifically addressed in the court order establishing**
 28 **wardship, the rights and obligations of the person granted**
 29 **wardship include making decisions concerning the:**

- 30 (1) physical custody of the child;
- 31 (2) care and supervision of the child;
- 32 (3) child's visitation with parents, relatives, or other
- 33 individuals; and
- 34 (4) medical care and treatment of the child.

35 **(b) "Wardship" does not apply to requirements for consenting**
 36 **to an adoption under IC 31-19-9."**

37 Page 11, between lines 38 and 39, begin a new paragraph and insert:

38 "SECTION 31. IC 31-33-18-2, AS AMENDED BY P.L.234-2005,

1 SECTION 155, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2006]: Sec. 2. The reports and other material
3 described in section 1(a) of this chapter and the unredacted reports and
4 other material described in section 1(b) of this chapter shall be made
5 available only to the following:

6 (1) Persons authorized by this article.

7 (2) A legally mandated public or private child protective agency
8 investigating a report of child abuse or neglect or treating a child
9 or family that is the subject of a report or record.

10 (3) A police or other law enforcement agency, prosecuting
11 attorney, or coroner in the case of the death of a child who is
12 investigating a report of a child who may be a victim of child
13 abuse or neglect.

14 (4) A physician who has before the physician a child whom the
15 physician reasonably suspects may be a victim of child abuse or
16 neglect.

17 (5) An individual legally authorized to place a child in protective
18 custody if:

19 (A) the individual has before the individual a child whom the
20 individual reasonably suspects may be a victim of abuse or
21 neglect; and

22 (B) the individual requires the information in the report or
23 record to determine whether to place the child in protective
24 custody.

25 (6) An agency having the legal responsibility or authorization to
26 care for, treat, or supervise a child who is the subject of a report
27 or record or a parent, guardian, custodian, or other person who is
28 responsible for the child's welfare.

29 (7) An individual named in the report or record who is alleged to
30 be abused or neglected or, if the individual named in the report is
31 a child or is otherwise incompetent, the individual's guardian ad
32 litem or the individual's court appointed special advocate, or both.

33 (8) Each parent, guardian, custodian, or other person responsible
34 for the welfare of a child named in a report or record and an
35 attorney of the person described under this subdivision, with
36 protection for the identity of reporters and other appropriate
37 individuals.

38 (9) A court, for redaction of the record in accordance with section

1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the division of family resources, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 12-13-15-6.

(17) The statewide child fatality review committee established by IC 12-13-15.1-6.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5."

Page 14, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 32. IC 31-34-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department or the county office of family and children.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a person or shelter care facility. ~~Wardship under this subdivision does not include the right to consent to the child's adoption.~~

(5) Partially or completely emancipate the child under section 6 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;

1 to receive family services.

2 (7) Order a person who is a party to refrain from direct or indirect
3 contact with the child."

4 Page 15, after line 42, begin a new paragraph and insert:

5 "SECTION 36. IC 31-37-19-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section
7 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the
8 juvenile court may enter one (1) or more of the following dispositional
9 decrees:

10 (1) Order supervision of the child by the probation department or
11 the county office of family and children.

12 (2) Order the child to receive outpatient treatment:

13 (A) at a social service agency or a psychological, a psychiatric,
14 a medical, or an educational facility; or

15 (B) from an individual practitioner.

16 (3) Remove the child from the child's home and place the child in
17 another home or shelter care facility. Placement under this
18 subdivision includes authorization to control and discipline the
19 child.

20 (4) Award wardship to a person or shelter care facility. ~~Wardship~~
21 ~~under this subdivision does not include the right to consent to the~~
22 ~~child's adoption.~~

23 (5) Partially or completely emancipate the child under section 27
24 of this chapter.

25 (6) Order:

26 (A) the child; or

27 (B) the child's parent, guardian, or custodian;

28 to receive family services.

- 1 (7) Order a person who is a party to refrain from direct or indirect
- 2 contact with the child."
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 139 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

Bray

Chairperson